

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

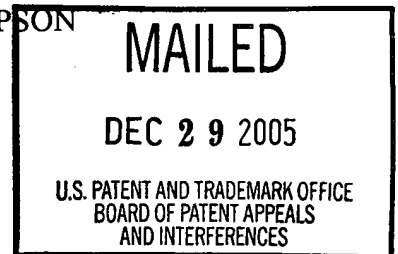
---

Ex parte NATHAN F. RACIBORSKI and MARK R. THOMPSON

---

Application No. 09/664,294

---



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received at the Board of Patent Appeals and Interferences on March 16, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

**EXAMINER'S ANSWER**

On August 9, 2005, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is missing the "Evidence Relied Upon," which lists the references applied in the rejection. Accordingly, correction is required.

Application No. 09/664,294

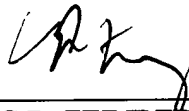
Accordingly, it is

ORDERED that the application is returned to the examiner to:

1) to submit a revised Examiner's Answer which includes the "Evidence Relied Upon;  
and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

CRAIG R. FEINBERG  
Program and Resource Administrator  
(571)272-9797

CRF/dpv

Application No. 09/664,294

Thomas D. Franklin  
Towsend and Towsend and Crew, LLP  
8<sup>th</sup> Floor  
Two Embarcadero Center  
San Francisco, CA 94111-3834